



LAND – BIBLICAL AND ETHICAL DIMENSIONS

Land is a vital economic resource and the prime source of food for rural populations.

Land use and land rights are highly political issues and the source of wars and conflicts.

Land has in many cultures a deep spiritual meaning and constitutes a source of social identity.

What have the biblical tradition, social ethics and human rights to say about land?

A trend in modern western thinking is to reduce reality to its economic dimension. What increases capital through profits, productivity and consumption is deemed to be good. The great world religions and many philosophical traditions, however, tend to present a holistic view of human reality with its different dimensions: economic, political, social, cultural and spiritual. From this perspective, that which simultaneously enhances room for individual freedom, the common good of all members of society, solidarity and peace in social relations, the beauty and fecundity of our natural environment and the capacity of relating to a transcendent reality is considered to be good.

The purely economic exploitation of nature without any consideration for the long-term social and environmental impact has led to a number of interrelated crises that threaten not only world peace but the very survival of humanity: a rapid climate change through an unsustainable use of fossil energy, hunger and poverty for an increasing part of the world population, the accumulation of capital, and therefore of power, in the hands of a small minority threatening the social and democratic participation of the majority.

A point where these life-threatening trends become shockingly visible is the worldwide rush for land. According to the World Bank, investors, transnational companies and foreign governments took control of some 45 Million hectare of land, i.e. the surface of Germany and Austria combined, in just one year (2009). The rush for land is steadily increasing. It is fed by

- investment funds expecting huge profits through land speculation and increasing food prices
- countries dependent on food imports wanting to guarantee food security for their populations by outsourcing food production
- countries aiming to replace dwindling oil supplies through “biofuels” and at the same time diminish CO² output
- extractive industries in search of minerals needed for many products
- investors wanting to profit from international mechanisms to offset carbon emissions
- The expansion of cities, infra-structure projects and the demands of the tourist industry

As a result huge stretches of land where local farmers grew food for local markets are taken over by companies producing biomass and food for export to the world market. Forests rich in biodiversity are transformed into monoculture plantations changing climate patterns and destroying for ever a rich biodiversity and fragile soils. Farming communities lose their livelihood, swell the slums of mega-cities or join the millions of other migrants moving around in search of survival or the ranks of radical violent movements fighting for a different system.

The economic and political system that for two centuries produced huge surpluses and diminished poverty in many parts of the world seems unable to cope with the larger and life-threatening problems facing humanity today. It is necessary to get away from the mono-rail thinking of economic efficiency and develop a different logic that includes all aspects of human life. The call for justice has been at the heart of most religious traditions. The deep wisdom contained in these traditions can provide principles for a different vision of a sustainable and peaceful world order.

Taking the example of the land as a vital resource for the survival of humanity, the biblical tradition and the development of a rich social doctrine over the centuries can provide valuable insights in the search for a more just world.

Content:

LAND – BIBLICAL AND ETHICAL DIMENSIONS	1
I. Land – a vital economic resource	2
A biblical perspective	2
The Christian social ethics perspective	3
The human rights perspective	4
II. Land – Participation in decision-making	4
The biblical perspective	4
Principles of Christian social ethics	4
The Human rights perspective	5
III. Land –source of cultural identity and of social conflict.....	5
The biblical perspective	5
The Christian social ethics perspective	6
The Human rights perspective	6
V. Some questions about land deals	6
The Second African Synod	8

I. Land – a vital economic resource

As food and water are the two indispensable resources for survival, the question: ‘Who owns the land?’ - or more precisely ‘Who has the right to use the soil?’ - is one of the crucial economic issues, even more so in societies with an agricultural base. It is not surprising that throughout history most wars and local conflicts were fought over land. In Africa most court cases deal with quarrels over land. In agricultural societies access to land determines the difference between being rich or poor. Modern societies have created other sources of income through industrial production, commerce and various service industries. In Africa about two thirds of the population are still living in rural areas. Even where urbanisation is progressing rapidly, most city dwellers retain an economic base in the village. Land remains for many the most important source of their livelihood.

A biblical perspective

Biblical tradition has two interconnected focal points: The Lordship of God of everything and God’s demand of justice in the human community.

1. God is the only owner, human beings are tenants

“The land shall not be sold in perpetuity, for the land is mine; with me you are but aliens and tenants.”
(Lev. 25:23)

The bible repudiates the idea of absolute ownership rights. No one has created the earth and its resources; they were given, not to individuals but to God’s people to be used as tenants, i.e. under direction of the true owner. Many of Jesus’ parables reflect this world view. God is the owner of the vineyard; his people work the land in his name. They reflect the creation story: God hands over the world to man (Adam) and so gives humanity the mandate to care for it. (cf. Gen 1:28)

Land, like all resources of nature, is a free gift of the creator to all his creatures. Nobody has created the soil and its fertility so as to have an absolute claim.

Biblical teaching thus stands in sharp contrast to the practice of the surrounding empires of the time where the Egyptian Pharaoh or the kings of Babylon were absolute masters of the land. It also differs from the two current modern ideas: that of making private ownership an absolute right and that of making the state the sole owner of all resources.

2. Do not accumulate resources at the expense of others

God’s intention in creating the abundance of nature is that all creatures should enjoy the fruits. Accumulating resources while others lack the necessities of life contradicts the purpose of creation. It is an abuse of God’s gifts, as the prophets proclaim in the face of the rich and the mighty: “Woe to

those who join house to house, who add field to field.” (Is 5:8) and his contemporary Micah complains that “they covet fields and seize them.” (Mic 2:2)

Jesus condemns the accumulation of riches in the face of poverty and deprivation with unusual sharpness: “Woe to the rich...” (Lk 6:24) and dramatises the fate of such abusers of creation in the parable of Lazarus and the rich man: they can have not part in God’s promise.

The bible is aware of the human tendency to create a deceptive sense of superiority over others through possessions. So the law of Moses foresaw that every 50 years the grave imbalances should be ironed out by the restitution of land to their original owners. Such a return to the original purpose of resources to satisfy the needs of all was practised in a radical way by the first christian community and lies behind the idea of the vow of “poverty” taken by religious communities. The goods of creation belong to all and are allotted according to the needs of every person. (cf. Acts 2:43-45)

The Christian social ethics perspective

Over the centuries the church has struggled to refine biblical teaching, apply it to different historical contexts and formulate some underlying principle as basis of a Christian social doctrine. Regarding the control and ownership of natural resources like land the following principles need to be considered.

1. The universal destination of goods

This principle reaffirms the biblical teaching that creation is destined for all human beings. “God destined the earth and all it contains for all human beings and peoples so that all created things would be shared fairly by all humankind under the guidance of justice tempered by charity.” (Gaudium et Spes 69)

If the distribution of resources, like land, is done in such a way that some people are excluded from enjoying “the fruits of the land” directly through working the land or indirectly to have access to the fruits, then the moral order is broken and social peace threatened.

The teaching on the universal destination of goods is reflected in the modern discussion about the global commons or global public goods which may not be privatized as they belong to humanity.

2. The right to private property

The church’s teaching has at the same time maintained the right to private property as an instrument to advance human dignity and freedom and limited the right to property whenever it infringes on the rights of others and endangers the common good. The possibility to acquire personal belongings increases the scope of choices and the power of doing good to others. But personal property is never absolute. It carries a social obligation and is limited by the needs of others. Acquiring property must not deprive another person of the necessities of life.

3. The common good

The right to personal property may be restricted by appropriate authority in favour of the common good. Where the good of the whole community necessitates dispossession of land, an adequate compensation that guarantees equal possibilities for the losses occurred must be given in justice. When powerful leaders or influential elites claim what belongs to all for their private profit they are perverting the common good.

4. Solidarity

At the heart of biblical revelation is the solidarity of God with humanity which has become visible in the person Jesus Christ and his solidarity with the poor and marginalised. Christian social teaching expresses this basic truth through “an option for the poor”. The common good cannot be realised if persons and groups are excluded from access to the basic resources of life. Access to food for all, even for the poorest, either through resources of land and water to produce it or through the possibility to earn money to buy it is the basic requirement of solidarity. Taking land from the poor without giving them adequate means to live is a sin against solidarity.

5. Sustainability

Climate change, soil depletion and the increasing loss of biodiversity have made us conscious of the need to preserve the eco-systems on which human life depends. Care for creation is a demand of justice towards future generations. It means that the limited and precious resource land is to be used in a way that preserves soil fertility and avoids erosion and contamination of the environment. Land policies should aim to ensure economic and ecological sustainability. In his encyclical *Caritas in Veritate* Pope Benedict XVI insists that agricultural investment must be done in a way that ensures sustainable development. (no.27)

The human rights perspective

Much of the Judo-Christian thinking together with the philosophy of the enlightenment have come together in the formulation of the human rights declaration of 1948 and the Pact of economic, social and cultural rights of 1976. They are mainly concerned with rights of the individuals, but are not necessarily balanced with the concept of responsibility for the common good. The following human rights have a direct bearing on the question of large scale land acquisitions.

The right to life, to food, to water, to housing

Life is first a fundamental good of any human being. Access to food and water are necessary conditions to sustain one's life. Acquisition of land for agricultural production often includes access to water. The former users often lose access both to land and to water. That is why access to land may be connected to the right to food recognised in article 25 of the Universal Declaration of Human Rights.

- Universal declaration of Human Rights states: "Everyone has the right to life.... (Article 3) "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing... (Article 25)
- International Covenant on Economic, Social and Cultural Rights specifies further: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food...and to be free from hunger." (Article 11.1-2, also Universal Article 25)

States have the duty to work and cooperating to achieve that aim. Both documents also give every person a right to adequate housing. Land grabbing often involves the destruction of people's homes.

II. Land – Participation in decision-making

Land grabbing is not only an economic issue, but also an eminent political one. The crucial question is: 'Who is involved in the process of deciding the ownership and use of land and who has the authority to conclude land deals?'

Whether done by governments, provincial authorities or tribal chiefs, there are two common complaints about land deals:

- Negotiations over land are not transparent, contracts are kept secret, land policies are changed without proper public debate.
- The communities and individuals using the land are neither adequately informed about the facts nor properly consulted. Land is taken from them without their prior consent.

Yet, land contracts, whether in form of sales or long term leases (usually 49-99 years) i.e. 2-4 generations, will negatively or positively effect the future options of the population. Thus, the question: who has the authority to conclude land deals is of great importance.

The biblical perspective

One of the principal purposes of the Torah was the protection of the weaker members of the community against exploitation of the powerful.

Democracy in the sense we understand it today was unknown in the patriarchal society of biblical times. Yet, before the era of the kings, Israel was a tribal community in which the council of the elders and heads of families had a great deal to say. With the establishment of a centralised authority in the person of the king participation decreased and the abuse of power increased with often disastrous consequences. The biblical story of King Ahab is a classic case of abuse of power and disrespect for basic rights. Because his neighbour Naboth refuses to hand over to him his vineyard to enlarge the royal garden he simply has him assassinated. (1 Kings 21) The disrespect of the powerful for the dignity and the rights of persons is constantly decried by the prophets. Amos condemned the ruling elites of his time "because they sell the righteous for silver and the needy for a pair of sandals; they who trample the head of the poor into the dust of the earth..." (Amos 2:6-7)

Principles of Christian social ethics

1. Participation

Participation is one of the key principles of social ethics (cf. Compendium of the Social Teaching of the Church 189-191) It is questionable whether the western form of parliamentary democracies are the only valid models to assure political participation in society. What Christian social thinking insists upon is the need of participation in decision-making processes, particularly of the people concerned with an issue. This

principle is based on the biblical concept of the human being as an image of God and the more modern perception of individuals as autonomous subjects being responsible for their own decision. Treating people simply as objects unable to discern their own good is an insult to their dignity. To exclude people from decision-making processes that concern their own lives and future means treating them as mere objects.

2. Subsidiarity

In order to give the individual the greatest scope of freedom and responsibility while protecting the common good from disorder, Christian social teaching insists on the principle of subsidiarity. It states that decisions that can be made responsibly and effectively at the local level should not be taken by a higher level. The presumption is that those closer to the issue will have both the wisdom and the concern to make the best decisions. Subsidiarity respects the capacity of human beings to think and take decisions at their own level of competence.

Governments taking decisions on such a vital issue as land without involving the communities concerned in the decision-making process offend the human dignity of their citizens. This presumes not merely a consultation, but their free prior consent, including the option to say no.

The Human rights perspective

Human rights are based on the vision of human beings as subjects of rights before the law. The universal declaration on human rights postulates that "Everyone has the right to recognition everywhere as a person before the law." (Article 6) When people's land is taken without the possibility to defend their rights before a court, their right "to be recognised as a person before the law" is not respected. This includes also the recognition of their traditional land rights.

III. Land –source of cultural identity and of social conflict

Industrialised societies look upon land mainly as an economic factor. In traditional societies land has an important cultural role and enjoys an almost mystical quality. The commonly owned and administered land constitutes the coherence of the group. It is the place where the ancestors lived, are buried, but still present. The *African Union and Economic Commission for Africa, Framework and Guidelines on Land Policy in Africa* states: "To the vast majority of societies in Africa land is regarded not simply as an economic or environmental asset, but as a social, cultural and ontological resource. Land remains an important factor in the construction of social identity, the organization of religious life and the production and reproduction of culture. The link across generations is ultimately defined by the complement of land resources which families, lineages and communities share and control. Indeed, land is fully embodied in the spirituality of society." (Draft 5, 2.5.1) Traditional land tenure is not without problem as often it discriminates against the rights of women to land.

This deep connection between land and social identity shows that taking away the land is not only an economic injustice, but often implies the destruction of the social fabric of the communities affected and leads to highly emotional and violent reactions. The long-standing conflicts over land in Palestine show the depth of emotions unleashed, when land is part of the religious or cultural identity of people. Reclaiming the land of the ancestors even after several generations, as happened in Zimbabwe or Kenya, is a warning to investors who buy or lease land without proper consent of the whole community.

Moreover, land grabbing involves a "clash of civilisations". On the surface the contracts to buy or lease land appear perfectly legal according to the law of the country. At the same time, these contracts can be illegitimate and unethical when the law itself is unjust because it disregards traditional land rights of citizens. The dispossession without consent and compensation of people's land, which in Africa and other developing countries was usually owned and administered communally, has no ethical foundation, whether it was done by the colonial administration, socialist regimes or post-colonial governments, often under pressure from the international financial institutions favouring investor interests.

Any legislation on land to be ethically justifiable will have to balance traditional communal land rights and the legal requirements of a modern state. To simply disregard or dismantle traditional land rights to fulfil investment conditions constitutes a flagrant injustice under the cover of the law.

The biblical perspective

In ancient Israel after the conquest of Palestine the land was distributed to the 12 tribes and to their clans and families. At the start all families had their land. Over the years families fell in to debt and lost their land. The institution of the "jubilee year" foresaw that all land was to be restored to the original

owners. In an agricultural society an accumulation of land while others became landless was considered an contrary to God's plan for his people. At the time of the New Testament the accumulation of land in the hands of absentee landlords was a common feature as is reflected in a number of Jesus' parables. It created a landless proletariat dependent on being hired by the landlord.

The prophets of old as well as Jesus left no doubt about the scandal of land accumulation in the hands of a few. (see above)

The Christian social ethics perspective

The document of the Pontifical Council for Justice *Towards a Better Distribution of Land* of 1997 contained a strong condemnation of "*Latifundia*" as "intrinsically illegitimate" and "condemns the intolerable injustices caused by the misappropriation of land by large landholder or national and international companies, at times with the support of the State institutions...". "Such *Latifundia* go against the principle that 'The world is given to all, not only the rich'... *Latifundia* deprive a vast number of people of the right to take part in the process of production through their own labour and take care of their own needs..." (32) The document equally condemns "various forms of exploitation of human labour" through wages "that are unworthy of human dignity" (33) and points to the environmental destruction through "ways of exploiting the land that upset balances between the human person und the environment that have been built up over centuries, thus causing major environmental degradation." (33)

Any actions that violate basic human rights and harm the common good increase the potential for conflict and violence in society and thus endanger peace. Just relationships between all partners in society promote peace. "If you want peace work for justice," these famous words of Pope Paul VI are particularly appropriate when dealing with issues of land ownership.

The Human rights perspective

The International covenant on Economic, Social and Cultural Rights stipulates as its first principle that "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." (Article 1.1) By extension, this also holds true for communities who have a right to pursue their development according to their own concepts. To impose on them in the name of modern development a system of industrial agriculture that destroys their cultural values and their social identity concepts constitutes an infringement of right to self-determination.

In a human rights perspective land tenure has to take into account the equal rights of women to use and own land.

V. Some questions about land deals

The first and fundamental guiding principle in taking ethical justifiable decisions says. Do no harm - the modern version of the biblical principle: "Do not do to others what you do not want to be done to you." This applies also to land deals: What is the foreseeable harm done to individuals, to communities, to the common good and to the environment?

More detailed questions that need to be asked about land deals would be:

1. **Do people lose access to natural resources** like land, water, firewood, medical plants, fruits and raw materials because of the land deal? Does the deal deprive other people, particularly marginalised or precarious populations and women of their livelihood?
2. Have the affected individuals and communities been properly informed and consulted and, if so, have they given their **prior consent**?
3. Do contracts foresee clearly defined and legally enforceable **compensation** for the losses incurred by individuals and by the communities? (not just vague promises or symbolic compensation)
4. Have serious **impact studies** about the long term consequences on climate, biodiversity and soil fertility been conducted? If yes, by whom? Are conclusions available for everybody? Is an impact monitoring planned? Are there any sanctions in case of non-compliance?
5. Does the deal endanger the **food security** of the country? Is there a risk that food production for export would endanger sufficient food supplies for the local population and increase food prices to the detriment of the poor? Does the deal contain a commitment to make part of food produced available for the needs of local populations?

6. Are **salaries and working conditions** for employees in the project specified in the deal and conform to the standards of the International Labour Organisation (ILO)?
7. Do the **constitution and the law** recognise the right to food, right to water and other relevant stipulations of international law?
8. Have **national land policies** and investment policies been publically discussed and democratically decided? Are these policies designed for the interest of the common good and only for the benefit of interested groups? Does legislation foresee the registration of communally owned land? Do land registry offices function correctly?

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Some texts from Church documents

The Second African Synod

The Second Assembly of the Bishops of Africa in October 2008 considered the social and ecological implications of large-scale land acquisitions through investors and gave some orientations. Proposition 30 reads:

Since large stretches of fertile land and water resources are unscrupulously exploited by foreign and local investors in many African countries, causing the displacement and dispossession of poor persons and their communities, who are often powerless to oppose this "assault", this Synod urgently calls upon all governments to ensure that its citizens are protected from the unjust alienation of their land and access to water, which are essential goods of the human person.

The Synod Fathers urge that:

- the Church in Africa seek information and learn about land and water issues in order to educate the People of God and enable them to challenge unjust decisions in these matters;
- all negotiations on land deals be conducted in full transparency and with the participation of the local communities who may be affected;
- land alienation deals should not be contracted out nor signed without the free, prior and informed consent of the local communities concerned, nor should people forfeit their land without proper compensation;
- agricultural workers be guaranteed a fair wage in the light of the fact that investments promote the creation of employment;
- promote the professional formation of youth in farming and the raising of animals as a way to stem the uncontrolled flight from the village to the cities;
- the models of agricultural production respect the environment and do not contribute to climate change, soil depletion and the exhaustion of drinkable water reserves;
- food production for export not endanger food security and food sovereignty and the needs of future generations;
- traditional land rights be respected and recognized by the law; and
- water not be exploited as a private economic commodity without due attention to people's interests.

Proposition 29: Some Multinational corporations exploit the natural resources of African countries oftentimes without concern for populations or respect for the environment, with the complicity of many privileged local people.

Proposition 17: We propose that...leaders take adequate measures (access to land, access to water, infrastructures, etc.), to remedy poverty and to develop policies to ensure self-sufficiency in food production and educational programmes which are production-oriented;

Pope Benedict XVI. Encyclical *Caritas in Veritate*

Life in many poor countries is still extremely insecure as a consequence of food shortages, and the situation could become worse: *hunger* still reaps enormous numbers of victims among those who, like Lazarus, are not permitted to take their place at the rich man's table...

The elimination of world hunger has also, in the global era, become a requirement for safeguarding the peace and stability of the planet. Hunger is not so much dependent on lack of material things as on shortage of social resources, the most important of which are institutional. What is missing, in other words, is a network of economic institutions capable of guaranteeing regular access to sufficient food and water for nutritional needs...

The problem of food insecurity needs to be addressed within a long-term perspective, eliminating the structural causes that give rise to it and promoting the agricultural development of poorer countries. This can be done by investing in rural infrastructures, irrigation systems, transport, organization of markets, and in the development and dissemination of agricultural technology that can make the best use of the human, natural and socio-economic resources that are more readily available at the local level, while guaranteeing their sustainability over the long term as well. All this needs to be accomplished with the involvement of local communities in choices and decisions that affect the use of agricultural land... (27)

Pontifical Council for Justice *Towards a Better Distribution of Land* (1997)

Expropriation of the Land of Indigenous Populations

In recent decades, various forms of economic activity based on the use of natural resources have steadily expanded into land traditionally occupied by indigenous populations.

In most cases, the rights of the indigenous inhabitants have been ignored when the expansion of large-scale agricultural concerns, the establishment of hydroelectric plants and the exploitation of mineral resources and of oil and timber in areas of expanding agricultural frontiers have been decided, planned and implemented.

The law is respected while all this is taking place. However, the property rights upheld by the law are in conflict with the right of use of the soil deriving from an occupation and ownership of the land the origins of which are lost in memory.

In the culture and spirituality of indigenous populations, land is seen as the basis of every value and as the unifying factor that nourishes their identity. However, when the first great landholdings were formed, these peoples lost the legal right to ownership of land on which they had lived for centuries, which means that they can now be dispossessed without warning whenever the old or new holders of legal title to the property want to take physical possession, even if they have shown no interest in it for dozens of years.

Indigenous populations can also run the absurd but very real risk of being seen as "invaders" of their own land.

The only ways they can avoid expulsion from their own land is by agreeing to work for the large companies or by emigrating. In any case, they are deprived of their land and their culture. (11)

Legal Recognition of Ownership Rights

In many countries, the inadequate normative framework and the fragile bases of such administrative institutions as land registers often make it even harder for small farmers to obtain legal recognition of ownership rights over land that they have been farming for a long time and of which they are *de facto* owners. They are often stripped of their land because it falls by law into the hands of those whose greater financial means and access to information enable them to obtain recognition of ownership rights.

Small farmers lose out in every case: uncertainty over ownership of the land is a major disincentive to investment, increases risks for farmers if they expand their farms, and reduces the possibility of access to credit for which land is used as a guarantee. This uncertainty also encourages over-exploitation of natural resources without concern for environmental sustainability or without considering the intergenerational continuity of family property. (14)

The Care of Creation

The first task that God gives them — clearly a fundamental one — concerns the attitude that they should have toward the earth and all creatures. "Subdue" and "have dominion" are two easily misunderstood concepts and can, in fact, seem to justify the type of despotic and unbridled domination that takes no care of the earth and its fruit, but despoils it for personal advantage. However, in biblical language, they are used to describe the rule of a wise king who cares for the well-being of all of his subjects.

Man and woman must care for creation, so that it will serve them and remain at the disposition of all, not just a few. (22)

The Universal Destination of Goods and Private Property

The effects of the present disordered situation confirm the need for all of human society to be constantly reminded of the principles of justice, especially that of the universal destination of goods.

As regards property, the social teaching of the Church bases the ethics of the relationship between the human person and the goods of the earth on the biblical view of the earth as God's gift to all human beings: "God destined the earth and all it contains for all men and all peoples so that all created things would be shared fairly by all mankind under the guidance of justice tempered by charity We must never lose sight of this universal destination of earthly goods

The right to the use of earthly goods is a natural and primary right with universal application, referring to every human being. It cannot be overridden by any other economic right, but must be upheld and implemented through laws and institutions. (28)